

ASSEMBLY BILL

No. 2075

Introduced by Assembly Member Cohn

February 16, 2006

An act to amend Section 954 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL’S DIGEST

AB 2075, as introduced, Cohn. Crime.

Existing law provides that an accusatory pleading may charge 2 or more offenses of the same class of crimes or offenses, under separate counts, and that if 2 or more accusatory pleadings are filed in such cases in the same court, the court may order them to be consolidated.

This bill would specify that provisions proscribing child abuse and crimes of domestic violence are all of the same class of crimes or offenses and therefore may be charged in the same accusatory pleading under separate counts. This bill would also require a court to consolidate 2 or more accusatory pleadings filed in the same court alleging any crime of domestic violence.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 954 of the Penal Code is amended to
- 2 read:
- 3 954. (a) An accusatory pleading may charge two or more
- 4 different offenses connected together in their commission, or
- 5 different statements of the same offense or two or more different
- 6 offenses of the same class of crimes or offenses, under separate
- 7 counts, and if two or more accusatory pleadings are filed in such

1 cases in the same court, the court may order them to be
2 consolidated. The prosecution is not required to elect between the
3 different offenses or counts set forth in the accusatory pleading,
4 but the defendant may be convicted of any number of the
5 offenses charged, and each offense of which the defendant is
6 convicted must be stated in the verdict or the finding of the court;
7 provided, that the court in which a case is triable, in the interests
8 of justice and for good cause shown, may in its discretion order
9 that the different offenses or counts set forth in the accusatory
10 pleading be tried separately or divided into two or more groups
11 and each of said groups tried separately. An acquittal of one or
12 more counts shall not be deemed an acquittal of any other count.

13 *(b) For purposes of this section, violations of Section 273a,*
14 *273ab, and 273d and any crime of domestic violence, as defined*
15 *in Section 6211 of the Family Code, are all of the same class of*
16 *crimes or offenses and may be charged in the same accusatory*
17 *pleading under separate counts.*

18 *(c) If two or more accusatory pleadings are filed in the same*
19 *court alleging any crime of domestic violence, as defined in*
20 *Section 6211 of the Family Code, the court shall order them to be*
21 *consolidated.*